IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

MACA.No. 1331 of 2007()

OPMV.671/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA

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APPELLANT/PETITIONER IN OP (MV)

JOHNY S/O CHEENIKKAPARAMBIL ACHAKUTTY,
KADUKUTTY DESOM, KALLUR-VADAKKUMMURI,
KADUKUTTY P.O., MUKUNDAPURAM TALUK.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS: RESPONDENTS IN OP(MV)

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1. **C.J.PAUL, CHIRAYATH HOUSE,**
   POTTA P.O.

2. **SHAJI JOSEPH,**
   NADUMPURAM HOUSE, KADUKUTTY P.O.

3. **MANAGER, ORIENTAL INSURANCE CO. LTD.,**
   CHALAKUDY.

4. **FRANCIS PINHERO,**
   VALIYAMARATHINGAL HOUSE,
   KADUKUTTY P.O.

5. **MANAGER, UNITED INDIA INSURANCE CO. LTD,**
   CHALAKUDY.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.A.C.A. NO.1331 OF 2007

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Dated this the 8th day of August, 2007

J U D G M E N T

Petitioner in O.P(MV) No.671 of 2001 on the file of the Motor Accidents Claims Tribunal, Irinjalakuda is the appellant. Appeal is filed complaining that the quantum of compensation awarded by the Tribunal to him was inadequate.

2. Petitioner sustained fracture to right 4th toes, lacerated wound on 4th and 5th toes, abrasion right leg, etc. It is true that petitioner produced a disability certificate showing that he was having 10% disability. The Tribunal refused to accept the disability as such, but fixed the same as 3%, considering the nature of the fracture. The observation of the Tribunal that fracture to the 4th toe may not cause 10% disability is correct. Tribunal has awarded a total compensation of Rs.26,883/- with 6% interest. Considering the nature of the injuries sustained and the period of treatment undergone, I am of the view that the compensation awarded by the Tribunal is reasonable. So, I do not find any

reason to interfere with award passed by the Tribunal. The appeal is devoid of merits and the same is only to be dismissed.

In the result, appeal is dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.A.C.A. NO. 1331 OF 2007

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J U D G M E N T

8TH AUGUST, 2007